



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
200 VESEY STREET, SUITE 400
NEW YORK, NY 10281-1022

MEMO ENDORSED

January 29, 2016

Via Email to SullivanNYSDChambers@nysd.uscourts.gov and ECF

Hon. Richard J. Sullivan
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 2104
New York, New York 10007

USDS SDNY
DOCUMENT
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Re: SEC v. Zachary Zwerko and David L. Post (14-cv-8181-RJS)

Dear Judge Sullivan:

We represent the Plaintiff, Securities and Exchange Commission (the "Commission"), in this action. We write in response to the Court's January 30, 2015 Order staying this matter pending resolution of the parallel criminal action (United States v. Post, et ano., 14-cr-715-AKH), which is now resolved, and November 25, 2015 Order by Memo Endorsement, which "So Ordered" our undertaking to provide a status report by January 29, 2016 (Docket Entries 12, 25). As last reported, the Defendants and the staff of the Division of Enforcement have reached an agreement in principle as to settlement terms. The staff has proposed that the Commission accept the terms through a formal recommendation process, which will be considered by the Commission in its normal course within the next thirty days. Accordingly, the parties will further update the Court as to status no later than 30 days from today.

If the Court has any further questions, the parties are available for a conference.

Respectfully submitted,

s/ Dominick D. Barbieri

Charles D. Riely
Dominick D. Barbieri

Hon. Richard J. Sullivan

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cc (via email):

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IT IS HEREBY ORDERED THAT the parties shall jointly submit an updated status letter to the Court by Wednesday, March 2, 2016.

SO ORDERED
Dated:

2/4/16


RICHARD J. SULLIVAN
U.S.D.J.